



## General Assembly

February Session, 2010

## Amendment

LCO No. 5489

**\*SB0012005489SD0\***

Offered by:

SEN. MEYER, 12 <sup>th</sup> Dist.	REP. MILLER L., 122 <sup>nd</sup> Dist.
REP. ROY, 119 <sup>th</sup> Dist.	REP. MINER, 66 <sup>th</sup> Dist.
REP. WIDLITZ, 98 <sup>th</sup> Dist.	REP. AMAN, 14 <sup>th</sup> Dist.
SEN. LEBEAU, 3 <sup>rd</sup> Dist.	REP. CAMILLO, 151 <sup>st</sup> Dist.
REP. BERGER, 73 <sup>rd</sup> Dist.	REP. SCRIBNER, 107 <sup>th</sup> Dist.
SEN. MCKINNEY, 28 <sup>th</sup> Dist.	REP. LEGEY, 17 <sup>th</sup> Dist.
REP. CAFERO, 142 <sup>nd</sup> Dist.	REP. GIBBONS, 150 <sup>th</sup> Dist.
REP. HAMZY, 78 <sup>th</sup> Dist.	REP. FLOREN, 149 <sup>th</sup> Dist.
REP. KLARIDES, 114 <sup>th</sup> Dist.	REP. WOOD, 141 <sup>st</sup> Dist.
SEN. FRANTZ, 36 <sup>th</sup> Dist.	REP. COUTU, 47 <sup>th</sup> Dist.
REP. PERONE, 137 <sup>th</sup> Dist.	REP. GIEGLER, 138 <sup>th</sup> Dist.
REP. BOUKUS, 22 <sup>nd</sup> Dist.	REP. HWANG, 134 <sup>th</sup> Dist.
REP. HEINRICH, 101 <sup>st</sup> Dist.	REP. ROWE, 123 <sup>rd</sup> Dist.
REP. FAWCETT, 133 <sup>rd</sup> Dist.	REP. WILLIAMS, 68 <sup>th</sup> Dist.
REP. REED, 102 <sup>nd</sup> Dist.	REP. HOVEY, 112 <sup>th</sup> Dist.
REP. DAVIS, 117 <sup>th</sup> Dist.	REP. GIULIANO, 23 <sup>rd</sup> Dist.
REP. ZALASKI, 81 <sup>st</sup> Dist.	REP. NOUJAIM, 74 <sup>th</sup> Dist.
REP. MAZUREK, 80 <sup>th</sup> Dist.	REP. O'NEILL, 69 <sup>th</sup> Dist.
REP. SCHOFIELD, 16 <sup>th</sup> Dist.	REP. OLSON, 46 <sup>th</sup> Dist.
REP. ALTOBELLO, 82 <sup>nd</sup> Dist.	REP. TALLARITA, 58 <sup>th</sup> Dist.
REP. MOUKAWSHER, 40 <sup>th</sup> Dist.	REP. GIANNAROS, 21 <sup>st</sup> Dist.
REP. GODFREY, 110 <sup>th</sup> Dist.	REP. ARESIMOWICZ, 30 <sup>th</sup> Dist.
REP. O'CONNOR, 35 <sup>th</sup> Dist.	REP. CHAPIN, 67 <sup>th</sup> Dist.
REP. REYNOLDS, 42 <sup>nd</sup> Dist.	REP. ALBERTS, 50 <sup>th</sup> Dist.
REP. REBIMBAS, 70 <sup>th</sup> Dist.	REP. HOYDICK, 120 <sup>th</sup> Dist.
REP. HETHERINGTON, 125 <sup>th</sup> Dist.	REP. PERILLO, 113 <sup>th</sup> Dist.
REP. SAWYER, 55 <sup>th</sup> Dist.	REP. RIGBY, 63 <sup>rd</sup> Dist.
REP. FREY, 111 <sup>th</sup> Dist.	SEN. FASANO, 34 <sup>th</sup> Dist.
REP. BACCHIOCHI, 52 <sup>nd</sup> Dist.	SEN. GUGLIELMO, 35 <sup>th</sup> Dist.
REP. CANDELORA, 86 <sup>th</sup> Dist.	SEN. KISSEL, 7 <sup>th</sup> Dist.
REP. D'AMELIO, 71 <sup>st</sup> Dist.	SEN. MCLACHLAN, 24 <sup>th</sup> Dist.

REP. LABRIOLA, 131<sup>st</sup> Dist.  
REP. STRIPP, 135<sup>th</sup> Dist.

SEN. RORABACK, 30<sup>th</sup> Dist.  
SEN. HARTLEY, 15<sup>th</sup> Dist.

To: Senate Bill No. 120

File No. 228

Cal. No. 156

**"AN ACT AUTHORIZING REVIEW OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S GUIDANCE STATEMENTS AND POLICIES BY THE GENERAL ASSEMBLY'S REGULATION REVIEW COMMITTEE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 22a-6p of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Not later than seven days from the effective date of this section,  
6 the Commissioner of Environmental Protection shall commence a  
7 review of the existing timeframes for the review of all individual  
8 permits issued by the department. Not later than September 30, 2010,  
9 the commissioner shall issue a comprehensive report, in accordance  
10 with the provisions of section 11-4a, to the Governor and the joint  
11 standing committee of the General Assembly having cognizance of  
12 matters relating to the environment that (A) proposes a plan to  
13 establish a pilot expedited permitting process for not less than one  
14 hundred representative manufacturing or other industrial facilities, (B)  
15 prescribes changes to be made to the department's review schedules  
16 for individual permits, including reducing the timeframes for  
17 identifying deficiencies in permit applications and issuing tentative  
18 determinations in accordance with subdivisions (2) and (3) of  
19 subsection (b) of this section, and (C) indentifies the process  
20 improvements, additional resources, staffing and programmatic  
21 changes necessary to meet such timeframes.

22     **(b)** The Commissioner of Environmental Protection shall adopt  
23 regulations [on or before October 1, 1996,] in accordance with the  
24 provisions of chapter 54, establishing schedules for timely action for  
25 each application for a permit for activity regulated under this title.  
26 Such schedules may be based on the lengths of time that the  
27 commissioner deems appropriate for different categories of permit  
28 applications and permits and may address situations when more than  
29 one permit is required for the regulated activity. Each such schedule  
30 shall contain the following:

31     (1) A provision that the schedule shall begin when an application is  
32 received by the Department of Environmental Protection, any public  
33 notice requirements have been fulfilled and the application fee is paid;

34     (2) One or more periods of reasonable length, based on the nature  
35 and complexity of the review required of the department, at the end of  
36 which time the department shall issue a decision to grant or deny the  
37 permit or identify deficiencies in the application, provided the  
38 schedule may also reasonably limit the amount of time in which the  
39 applicant may remedy such deficiencies. All reasonable efforts shall be  
40 made by the department to ensure that deficiencies in any application  
41 for a permit are identified and the applicant notified in writing of such  
42 deficiencies not later than sixty days after the department receives such  
43 application;

44     (3) A period of reasonable length, based on the nature and  
45 complexity of the review required of the commissioner, beginning  
46 with receipt of materials submitted by the applicant in response to the  
47 commissioner's identification of deficiencies, at the end of which time  
48 the commissioner shall issue a tentative determination to grant or deny  
49 the permit. All reasonable efforts shall be made by the department to  
50 issue a tentative determination to grant or deny a permit not later than  
51 one hundred eighty days after the department determines that the  
52 application materials are sufficient, provided such one-hundred-  
53 eighty-day period shall not include any period of time during which  
54 the commissioner has requested, in writing, and is waiting to receive,

55 additional application materials from an applicant.

56 (4) A period of reasonable length after such tentative determination  
57 and the conclusion of any public hearing held with regard to such  
58 decision;

59 (5) Allowance for applicable state or federal public participation  
60 requirements; and

61 (6) A provision extending the time periods set forth in subdivisions  
62 (2) and (3) of this subsection when action by another state agency or a  
63 federal or municipal agency is required before the commissioner may  
64 act, when (A) judicial proceedings affect the ability of the  
65 commissioner or the applicant to proceed with the application, (B) the  
66 commissioner has commenced enforcement proceedings which could  
67 result in revocation of an existing permit for the facility or regulated  
68 activity that is the subject of the application and denial of the  
69 application, or (C) the applicant provides written assent extending any  
70 applicable time period.

71 (C) The commissioner shall annually compile and report on the  
72 department's Internet web site, by category of permit, instances in  
73 which the schedules for timely action set forth in this subsection were  
74 not achieved and explanations for the department's inability to meet  
75 such timeframes.

76 Sec. 2. (*Effective from passage*) (a) The Commissioner of  
77 Environmental Protection shall, in coordination with representatives  
78 from environmental groups, the business community and  
79 municipalities, undertake a study of (1) the impact of Connecticut's  
80 Environmental Protection Act on (A) the business community, (B) the  
81 timeliness and certainty of the permitting process under such act, and  
82 (C) the efficacy of the permitting process under such act in protecting  
83 and preserving the environment, and (2) existing procedures regarding  
84 the issuance of general permits for activities regulated under said act.  
85 The commissioner, in consultation with such representatives, shall  
86 make recommendations designed to improve the process of issuing

87 such permits and reduce the length of time to issue final  
88 determinations for such permits. Not later than September 30, 2010, the  
89 commissioner shall report, in accordance with section 11-4a of the  
90 general statutes, to the Governor and the joint standing committee of  
91 the General Assembly having cognizance of matters relating to the  
92 environment the findings of such study, the resulting  
93 recommendations and any proposed revisions to the general statutes  
94 to effectuate such recommendations.

95 (b) For purposes of streamlining the permit process, the  
96 commissioner shall conduct an analysis of the process followed for  
97 hearings conducted by the department's office of adjudications,  
98 including consideration of appropriate public participation and  
99 compliance by the department with hearing requirements of the  
100 federal Clean Water Act, 33 USC 1251 et seq. Not later than thirty days  
101 after the effective date of this section, the commissioner shall  
102 implement procedures to increase the use of settlement conferences,  
103 enforce the requirement for submittal of prehearing evidence and  
104 require the filing of prehearing written testimony.

105 Sec. 3. (NEW) (*Effective October 1, 2010*) (a) As used in this section:

106 (1) "Jobs" means permanent, full-time equivalent positions, not  
107 including construction jobs;

108 (2) "Commissioner" means the Commissioner of Economic and  
109 Community Development;

110 (3) "Permit applications" means applications for state permits and  
111 licenses; and

112 (4) "Permit ombudsman" means the office of the permit ombudsman  
113 established within the Department of Economic and Community  
114 Development under this section.

115 (b) (1) The commissioner shall establish an office of the permit  
116 ombudsman for the purpose of expediting review of permit

117 applications for projects that would (A) create at least one hundred  
118 jobs, (B) create fifty jobs, if such project is to be located in an enterprise  
119 zone designated pursuant to section 32-70 of the general statutes, (C)  
120 be located in a brownfield, as defined in section 32-9cc of the general  
121 statutes, (D) be compatible with the state's responsible growth  
122 initiatives, (E) be considered transit-oriented development, as defined  
123 in section 13b-79kk of the general statutes, (F) develop green  
124 technology business, or (G) meet the criteria set forth in subdivision (2)  
125 of this subsection. Projects ineligible for review under this section are  
126 projects for which the primary purpose is to (i) effect the final disposal  
127 of solid waste, biomedical waste or hazardous waste in this state, (ii)  
128 produce electrical power, unless the production of electricity is  
129 incidental and not the primary function of the project, (iii) extract  
130 natural resources, (iv) produce oil, or (v) construct, maintain or operate  
131 an oil, petroleum, natural gas or sewage pipeline. For purposes of this  
132 section, "responsible growth initiatives" includes the principles of  
133 smart growth, as defined in section 1 of public act 09-230, and "green  
134 technology business" means an eligible business with not less than  
135 twenty-five per cent of its employment positions being positions in  
136 which green technology is employed or developed and may include  
137 the occupation codes identified as green jobs by the Department of  
138 Economic and Community Development and the Labor Department  
139 for such purposes.

140 (2) Notwithstanding the provisions of subdivision (1) of this  
141 subsection, the commissioner may, upon consideration of the  
142 economic impact factors of the project that include, but are not limited  
143 to: (A) The proposed wage and skill levels relative to those existing in  
144 the area in which the project may be located, (B) the project's potential  
145 to diversify and strengthen the state and local economy, (C) the  
146 amount of capital investment, and (D) in the judgment of the  
147 commissioner, after consultation with the Departments of  
148 Environmental Protection, Transportation and Public Health that there  
149 is consistency with the strategic economic development priorities of  
150 the state and the municipality, deem projects eligible for expedited

151 permitting pursuant to this section.

152 (c) The Departments of Environmental Protection, Transportation  
153 and Public Health shall each designate through existing and available  
154 resources one or more staff members to act as a business ombudsmen  
155 and a liaison between their offices and the permit ombudsmen. The  
156 Commissioners of Economic and Community Development,  
157 Environmental Protection, Transportation and Public Health shall  
158 enter into a memorandum of understanding concerning each entity's  
159 responsibilities with respect to the permit ombudsmen and the process  
160 for expediting eligible permit applications, which shall include  
161 appropriate opportunities for public participation.

162 (d) The memorandum of understanding may provide for the waiver  
163 or modification of procedural rules prescribing forms, fees, procedures  
164 or time limits for the review or processing of permit applications under  
165 the jurisdiction of those agencies. Notwithstanding any other provision  
166 of the general statutes, to the extent feasible, the memorandum of  
167 understanding shall provide for proceedings and hearings otherwise  
168 held separately by the parties to be combined into one proceeding or  
169 held jointly and at one location. Such waivers or modifications shall  
170 not be available for permit applications governed by federally  
171 delegated or approved permitting programs, the requirements of  
172 which would prohibit, or be inconsistent with, such waivers or  
173 modifications. In no event shall the memorandum of understanding  
174 waive requirements of environmental statutes or regulations.

175 (e) The permit ombudsman may solicit assistance of volunteers from  
176 the private sector, including a state-wide business association, the  
177 Office of Responsible Growth and from an association representing  
178 small businesses. Said volunteers may assist the permit ombudsman in  
179 developing the guidelines established pursuant to subsection (f) of this  
180 section.

181 (f) The permit ombudsman, subject to the approval of the  
182 Commissioner of Economic and Community Development, shall

183 establish, pursuant to subsection (c) of this section, guidelines to be  
184 used in working with state permitting authorities to implement the  
185 provisions of this section. Guidelines shall include, but are not limited  
186 to, the following: (1) An agency contact point for filing permit  
187 applications and for obtaining information on permit requirements; (2)  
188 identification of the individual or individuals within each respective  
189 agency who shall be responsible for processing the expedited permit  
190 application; (3) a mandatory preapplication review process to reduce  
191 permitting conflicts by providing guidance to applicants on (A) the  
192 permits needed from each agency, (B) specifications for site planning  
193 and development, site suitability and limitations and facility design,  
194 and (C) steps the applicant can take to ensure expeditious permit  
195 application and local comprehensive plan amendment review; (4) a  
196 single, coordinated project description form and checklist and an  
197 agreement by state agencies to reduce the necessity that an applicant  
198 provide duplicate information to multiple agencies; and (5) an  
199 application fee structure for permit expedition.

200 (g) The permit ombudsman, at the request of the Commissioner of  
201 Economic and Community Development, may request the assistance  
202 of any other department, board, commission or other agency of the  
203 state to assist in providing information and assistance as said permit  
204 ombudsman determines necessary to expedite its duties and  
205 responsibilities. Each officer or employee of such office, department,  
206 board, commission or other agency of the state shall make reasonable  
207 efforts to cooperate with the permit ombudsman.

208 (h) The expedited permitting process established pursuant to this  
209 section shall not modify, qualify or otherwise alter existing agency  
210 nonprocedural standards for permit applications, unless expressly  
211 authorized by law. If it is determined that the applicant is not eligible  
212 to use this process, the applicant may apply for permitting of the  
213 project through the normal permitting processes.

214 Sec. 4. Section 22a-6q of the general statutes is repealed and the  
215 following is substituted in lieu thereof (*Effective from passage*):



216 When the commissioner determines, based on the size, novelty,  
217 complexity or technical difficulty of a project, that work cannot be  
218 completed within the schedule for timely action applicable to a permit  
219 application pursuant to subdivision (3) of subsection (b) of section 22a-  
220 6p, the commissioner shall notify the applicant of such determination  
221 within thirty days of receiving the permit application and shall, within  
222 forty-five days of providing such notice, establish an alternative permit  
223 schedule for timely action.

224 Sec. 5. (NEW) (*Effective October 1, 2010*) The Commissioner of  
225 Environmental Protection may continue in effect any general permit  
226 issued by the commissioner pursuant to the provisions of title 22a of  
227 the general statutes, for a period of twelve months beyond the  
228 expiration date for such permit, provided the commissioner publishes  
229 notice, not later than one hundred eighty days prior to the expiration  
230 date of such general permit of the intent to renew such general permit  
231 in accordance with any applicable provision of title 22a of the general  
232 statutes. Any such general permit continued in effect beyond its  
233 expiration date shall remain in effect until the commissioner makes a  
234 final decision on the renewal of such general permit, in accordance  
235 with the provisions of title 22a of the general statutes, provided such  
236 final decision is made on or before the twelfth month after the  
237 expiration date. If no final decision is made within such time period,  
238 such general permit shall expire. The commissioner may require the  
239 remittance of a registration fee in an amount not to exceed the existing  
240 registration fee for such general permit whenever a general permit is  
241 continued in effect beyond its expiration date in accordance with the  
242 provisions of this section. Nothing in this section shall affect the  
243 obligation of any person to register for a general permit pursuant to  
244 the provisions of title 22a of the general statutes in a timely fashion or  
245 to comply with any general permit issued by the commissioner  
246 pursuant to the provisions of title 22a of the general statutes.

247 Sec. 6. Subsection (j) of section 22a-430 of the general statutes is  
248 repealed and the following is substituted in lieu thereof (*Effective*  
249 *October 1, 2010*):

250 (j) (1) The commissioner may exempt persons who or municipalities  
251 which apply for permits for the following discharges from the  
252 requirement to submit plans and specifications under subsection (b) of  
253 this section:

254 (A) A discharge from a new treatment or disposal system which  
255 system is substantially the same as a system that the applicant is  
256 operating in compliance with a permit for said system issued by the  
257 commissioner;

258 (B) The discharge is described in a general permit issued by the  
259 commissioner pursuant to section 22a-430b;

260 (C) The discharge is from a system, the purpose of which, as  
261 determined by the commissioner, is not to treat any toxic or hazardous  
262 substances; or

263 (D) The discharge is exempt from public notice under subsection (b)  
264 of section 22a-430 and regulations adopted thereunder.

265 (2) The commissioner [may] shall adopt regulations not later than  
266 June 30, 2011, in accordance with the provisions of chapter 54, to  
267 establish other categories of discharges which may be exempted from  
268 the requirement to submit plans and specifications under subsection  
269 (b) of this section. Such regulations may include, but not be limited to,  
270 the following: (A) Minimum standards for the design and operation of  
271 treatment systems for such discharges; and (B) requirements for  
272 submission of information concerning such discharges.

273 Sec. 7. (NEW) (*Effective from passage*) (a) Whenever the  
274 Commissioner of Environmental Protection is required to hold a  
275 hearing prior to approving or denying an application upon receipt of a  
276 timely-filed petition signed by at least twenty-five persons pursuant to  
277 sections 22a-32, 22a-39, 22a-42a, 22a-45a, 22a-94, 22a-174, 22a-208a, 22a-  
278 349a, 22a-361, 22a-363b, 22a-371, 22a-378a, 22a-403, 22a-411, 22a-430  
279 and 25-68d of the general statutes or any regulation of the Connecticut  
280 state agencies provides that the Commissioner of Environmental

281 Protection shall hold a hearing prior to approving or denying an  
282 application upon receipt of a timely-filed petition signed by at least  
283 twenty-five persons, such petition may designate a person authorized  
284 to withdraw such petition. Such authorized person may engage in  
285 discussions regarding an application and, if a resolution is reached,  
286 may withdraw the petition.

287 (b) If a petition is withdrawn, the authorized person shall file  
288 written notice with the commissioner and serve a copy of the  
289 withdrawal notice upon all parties and intervenors, if any, to the  
290 proceeding. The withdrawal of a petition shall result in the termination  
291 of the hearing process initiated by the petition. If the commissioner  
292 receives more than one petition that requires the holding of a hearing,  
293 all such petitions shall be withdrawn for the hearing to terminate  
294 pursuant to this section.

295 (c) If the petition is withdrawn after notice of a public hearing has  
296 been published, the commissioner shall publish or cause to be  
297 published, at the applicant's expense, once in a newspaper having a  
298 substantial circulation in the affected area, notice of the termination of  
299 such hearing due to the withdrawal of a petition pursuant to this  
300 section.

301 (d) Notwithstanding the withdrawal of any petitions pursuant to  
302 this section, the commissioner may hold a public hearing, continue  
303 with a public hearing for which notice has been published or complete  
304 a public hearing that has already commenced prior to approving or  
305 denying an application, if the commissioner determines that holding or  
306 continuing such public hearing is in the public interest.

307 Sec. 8. (NEW) (*Effective from passage*) (a) For purposes of this section,  
308 "consulting services program" means a program within the  
309 Department of Environment Protection that is substantially similar to  
310 the consulting services program administered by the Labor  
311 Department's Division of Occupational Safety and Health, under  
312 which program civil penalties are not incurred and notices of

313 violations are not issued as the result of the consultation process,  
314 provided any noncompliance identified by the consultation process is  
315 limited to minor violations, as defined in section 22a-6s of the general  
316 statutes, and reasonable efforts are made by the regulated entity to  
317 comply with environmental laws and regulations.

318 (b) Not later than September 1, 2010, the Commissioner of  
319 Environmental Protection shall commence negotiations with the  
320 United States Environmental Protection Agency for the purposes of  
321 creating a consulting services program within the Department of  
322 Environmental Protection.

323 (c) Not later than October 31, 2010, the Commissioner of  
324 Environmental Protection shall reallocate existing resources and adjust  
325 existing policies to implement such consulting services program in  
326 accordance with any applicable requirement of the United States  
327 Environmental Protection Agency. If United States Environmental  
328 Protection Agency requirements are incompatible with the  
329 implementation of such consulting services program, the  
330 commissioner shall consult with representatives from regulated  
331 entities to implement alternative programs to provide compliance  
332 assistance for businesses and municipalities. Such alternative  
333 programs may include, but need not be limited to, training sessions or  
334 other materials made available on the department's Internet web site,  
335 best management practices manuals and any other form of compliance  
336 assistance.

337 Sec. 9. Section 22a-426 of the general statutes is repealed and the  
338 following is substituted in lieu thereof (*Effective March 1, 2011*):

339 (a) The Commissioner of Environmental Protection shall adopt [,  
340 and may thereafter amend,] regulations, in accordance with the  
341 provisions of chapter 54 to establish standards of water quality  
342 applicable to the various waters of the state or portions thereof. [as  
343 provided in this section.] Such standards shall be consistent with the  
344 federal Water Pollution Control Act and shall be for the purpose of

345 qualifying the state and its municipalities for available federal grants  
346 and for the purpose of providing clear and objective public policy  
347 statements of a general program to improve the water resources of the  
348 state; provided no standard of water quality adopted shall plan for,  
349 encourage or permit any wastes to be discharged into any of the  
350 waters of the state without having first received the treatment  
351 available and necessary for the elimination of pollution. Such  
352 standards of quality shall: (1) Apply to interstate waters or portions  
353 thereof within the state; (2) apply to such other waters within the state  
354 as the commissioner may determine is necessary; (3) protect the public  
355 health and welfare and promote the economic development of the  
356 state; (4) preserve and enhance the quality of state waters for present  
357 and prospective future use for public water supplies, propagation of  
358 fish and aquatic life and wildlife, recreational purposes and  
359 agricultural, industrial and other legitimate uses; (5) be consistent with  
360 health standards as established by the Department of Public Health.  
361 Notwithstanding the thirty-day-notice requirement prescribed by  
362 subsection (a) of section 4-168, the department shall provide a notice  
363 not later than ninety days prior to proposing any regulation in  
364 accordance with this section, including, but not limited to, notice of the  
365 availability of the underlying documentation that forms the basis for  
366 the standards sought to be adopted, amended or repealed by such  
367 proposed regulation.

368 [(b) Prior to adopting, amending or repealing standards of water  
369 quality, the commissioner shall conduct a public hearing. Notice of  
370 such hearing specifying the waters for which standards are sought to  
371 be adopted, amended or repealed and the time, date and place of such  
372 hearing shall be published as provided in said subdivision (1) of  
373 section 22a-6 and also at least twice during the thirty-day period  
374 preceding the date of the hearing in a newspaper having a general  
375 circulation in the area affected and shall be given by certified mail to  
376 the chief executive officer of each municipality in such area. Prior to  
377 the hearing the commissioner shall make available to any interested  
378 person any information he has as to the water which is the subject of

379 the hearing and the standards under consideration, and shall afford to  
380 any interested person the opportunity to submit to him any written  
381 material. At the hearing, any person shall have the right to make a  
382 written or oral presentation. A full transcript or recording of each  
383 hearing shall be made and kept available in the files of the Department  
384 of Environmental Protection.]

385 [(c)] (b) The commissioner shall establish the effective date of the  
386 adoption, amendment or repeal of standards of water quality, subject  
387 to the provisions of subdivision (1) of section 22a-6. Notice of such  
388 adoption, amendment or repeal shall be published in the Connecticut  
389 Law Journal upon acceptance thereof by the federal government.

390 [(d)] (c) The commissioner shall monitor the quality of the subject  
391 waters to demonstrate the results of his program to abate pollution.

392 Sec. 10. Subsection (b) of section 4-168a of the 2010 supplement to  
393 the general statutes is repealed and the following is substituted in lieu  
394 thereof (*Effective October 1, 2010*):

395 (b) Prior to the adoption of any proposed regulation, each agency  
396 shall prepare a regulatory flexibility analysis in which the agency shall,  
397 [consider utilizing] to the extent appropriate, utilize regulatory  
398 methods that will accomplish the objectives of applicable statutes  
399 while minimizing adverse impact on small businesses. Such regulatory  
400 methods shall be consistent with public health, safety and welfare. The  
401 agency shall [consider, without limitation] use, to the extent  
402 appropriate, each of the following methods of reducing the impact of  
403 the proposed regulation on small businesses:

404 (1) The establishment of less stringent compliance or reporting  
405 requirements for small businesses;

406 (2) The establishment of less stringent schedules or deadlines for  
407 compliance or reporting requirements for small businesses;

408 (3) The consolidation or simplification of compliance or reporting

409 requirements for small businesses;

410 (4) The establishment of performance standards for small businesses  
411 to replace design or operational standards required in the proposed  
412 regulation; and

413 (5) The exemption of small businesses from all or any part of the  
414 requirements contained in the proposed regulation.

415 Sec. 11. (*Effective from passage*) (a) There is established a task force to  
416 study the implementation by all state agencies of additional disclosure  
417 requirements, similar to the current practice of the Department of  
418 Environmental Protection, as provided in subsection (h) of section 22a-  
419 6 of the general statutes, when such agencies propose regulations  
420 pertaining to activities for which the federal government has adopted  
421 standards or procedures.

422 (b) The task force shall consist of the Commissioners of Children  
423 and Families, Public Health, Social Services and Transportation, and  
424 the Banking Department, or their designees. The Governor shall  
425 appoint the chairperson of the task force not later than thirty days after  
426 the effective date of this section.

427 (c) Not later than October 1, 2010, the task force shall submit a  
428 report, in accordance with the provisions of section 11-4a of the general  
429 statutes, to the Governor and to the standing legislative regulation  
430 review committee, on its findings and recommendations including the  
431 anticipated impact of such additional disclosure requirements on state  
432 agencies. The task force shall terminate on the date that it submits such  
433 report.

434 Sec. 12. Subsection (a) of section 32-1m of the 2010 supplement to  
435 the general statutes is repealed and the following is substituted in lieu  
436 thereof (*Effective October 1, 2010*):

437 (a) Not later than February 1, 2006, and annually thereafter, the  
438 Commissioner of Economic and Community Development shall

439 submit a report to the Governor and the General Assembly, in  
440 accordance with the provisions of section 11-4a. Not later than thirty  
441 days after submission of the report to the Governor and the General  
442 Assembly, said commissioner shall post the report on the Department  
443 of Economic and Community Development's web site. Said report  
444 shall include, but not be limited to, the following information with  
445 regard to the activities of the Department of Economic and  
446 Community Development during the preceding state fiscal year:

447 (1) A brief description and assessment of the state's economy during  
448 such year, utilizing the most recent and reasonably available data, and  
449 including:

450 (A) Connecticut employment by industry;

451 (B) Connecticut and national average unemployment;

452 (C) Connecticut gross state product, by industry;

453 (D) Connecticut productivity, by industry, compared to the national  
454 average;

455 (E) Connecticut manufacturing activity;

456 (F) Identification of economic and competitive conditions affecting  
457 Connecticut's industry sectors, problems resulting from these  
458 conditions and state efforts to address the problems;

459 (G) A brief summary of Connecticut's competitiveness as a place for  
460 business, which shall include, but not be limited to, an evaluation of (i)  
461 how the programs and policies of state government affect the state  
462 economy and state business environment, (ii) the ability of the state to  
463 retain and attract businesses, (iii) the steps taken by other states to  
464 improve the competitiveness of such states as places for business, and  
465 (iv) programs and policies the state could implement to improve the  
466 competitiveness of the state in order to encourage economic growth;  
467 and



468 (H) Any other economic information that the commissioner deems  
469 appropriate.

470 (2) A statement of the department's economic and community  
471 development objectives, measures of program success and standards  
472 for granting financial and nonfinancial assistance under programs  
473 administered by the department.

474 (3) An analysis of the economic development portfolio of the  
475 department, including:

476 (A) A list of the names, addresses and locations of all recipients of  
477 the department's assistance;

478 (B) The following information concerning each recipient of such  
479 assistance: (i) Business activities, (ii) standard industrial classification  
480 codes or North American industrial classification codes, (iii) number of  
481 full-time jobs and part-time jobs at the time of application, (iv) number  
482 of actual full-time jobs and actual part-time jobs during the preceding  
483 state fiscal year, (v) whether the recipient is a minority or woman-  
484 owned business, (vi) a summary of the terms and conditions for the  
485 assistance, including the type and amount of state financial assistance,  
486 job creation or retention requirements and anticipated wage rates, (vii)  
487 the amount of investments from private and other nonstate sources  
488 that have been leveraged by the assistance, (viii) the extent to which  
489 employees of the recipient participate in health benefit plans offered  
490 by such recipient, (ix) the extent to which the recipient offers unique  
491 economic, social, cultural or aesthetic attributes to the municipality in  
492 which the recipient is located or to the state, and (x) the amount of  
493 state investment;

494 (C) A portfolio analysis, including (i) an analysis of the wages paid  
495 by recipients of financial assistance, (ii) the average portfolio wage,  
496 median portfolio wage, highest and lowest portfolio wage, (iii)  
497 portfolio wage data by industry, and (iv) portfolio wage data by  
498 municipality;

499 (D) An investment analysis, including (i) total portfolio value, (ii)  
500 total investment by industry, (iii) portfolio dollar per job average, (iv)  
501 portfolio leverage ratio, and (v) percentage of financial assistance  
502 which was provided to high performance work organizations in the  
503 preceding state fiscal year; and

504 (E) An analysis of the estimated economic effects of the  
505 department's economic development investments on the state's  
506 economy, including (i) contribution to gross state product for the total  
507 economic development portfolio and for any investment activity  
508 occurring in the preceding state fiscal year, (ii) direct and indirect  
509 employment created by the investments for the total portfolio and for  
510 any investment activity occurring in the preceding state fiscal year, (iii)  
511 productivity of recipients of financial assistance as a result of the  
512 department's investment occurring in the preceding state fiscal year,  
513 (iv) directly or indirectly increased property values in the  
514 municipalities in which the recipients of assistance are located, and (v)  
515 personal income.

516 (4) An analysis of the community development portfolio of the  
517 department, including:

518 (A) A list of the names, addresses and locations of all recipients of  
519 the department's assistance;

520 (B) The following information concerning each recipient of such  
521 assistance: (i) Amount of state investment, (ii) a summary of the terms  
522 and conditions for the department's assistance, including the type and  
523 amount of state financial assistance, and (iii) the amount of  
524 investments from private and other nonstate sources that have been  
525 leveraged by such assistance;

526 (C) An investment analysis, including (i) total active portfolio value,  
527 (ii) total investments made in the preceding state fiscal year, (iii) total  
528 portfolio by municipality, (iv) total investments made in the preceding  
529 state fiscal year categorized by municipality, (v) total portfolio  
530 leverage ratio, and (vi) leverage ratio of the total investments made in

531 the preceding state fiscal year; and

532 (D) An analysis of the estimated economic effects of the  
533 department's economic development investments on the state's  
534 economy, including (i) contribution to gross state product for the total  
535 portfolio and for any investment activity occurring in the preceding  
536 state fiscal year, (ii) direct and indirect employment created by the  
537 investments for the total portfolio and for any investment activity  
538 occurring in the preceding state fiscal year, (iii) productivity of  
539 recipients of financial assistance as a result of the department's  
540 investment occurring in the preceding state fiscal year, (iv) directly or  
541 indirectly increased property values in the municipalities in which the  
542 recipients are located, and (v) personal income.

543 (5) A summary of the department's economic and community  
544 development marketing efforts in the preceding state fiscal year, a  
545 summary of the department's business recruitment strategies and  
546 activities in such year, and a summary of the department's efforts to  
547 assist small businesses and minority business enterprises in such year.

548 (6) A summary of the department's international trade efforts in the  
549 preceding state fiscal year, and, to the extent possible, a summary of  
550 foreign direct investment that occurred in the state in such year.

551 (7) Identification of existing economic clusters, the formation of new  
552 economic clusters, the measures taken by the commissioner during the  
553 preceding state fiscal year to encourage the growth of economic  
554 clusters and the amount of bond funds expended by the department  
555 during the previous fiscal year on each economic cluster.

556 (8) (A) A summary of the department's brownfield-related efforts  
557 and activities within the Office of Brownfield Remediation and  
558 Development established pursuant to subsections (a) to (f), inclusive,  
559 of section 32-9cc in the preceding state fiscal year, except for activity  
560 under the Special Contaminated Property Remediation and Insurance  
561 Fund program. Such efforts shall include, but not be limited to, (i) total  
562 portfolio investment in brownfield remediation projects, (ii) total

563 investment in brownfield remediation projects in the preceding state  
564 fiscal year, (iii) total number of brownfield remediation projects, (iv)  
565 total number of brownfield remediation projects in the preceding state  
566 fiscal year, (v) total of reclaimed and remediated acreage, (vi) total of  
567 reclaimed and remediated acreage in the preceding state fiscal year,  
568 (vii) leverage ratio for the total portfolio investment in brownfield  
569 remediation projects, and (viii) leverage ratio for the total portfolio  
570 investment in brownfield remediation projects in the preceding state  
571 fiscal year. Such summary shall include a list of such brownfield  
572 remediation projects and, for each such project, the name of the  
573 developer and the location by street address and municipality and a  
574 tracking of all funds administered through or by said office;

575 (B) A summary of the department's efforts with regard to the  
576 Special Contaminated Property Remediation and Insurance Fund,  
577 including, but not limited to, (i) the number of applications received in  
578 the preceding state fiscal year, (ii) the number and amounts of loans  
579 made in such year, (iii) the names of the applicants for such loans, (iv)  
580 the average time period between submission of application and the  
581 decision to grant or deny the loan, (v) a list of the applications  
582 approved and the applications denied and the reasons for such  
583 denials, and (vi) for each project, the location by street address and  
584 municipality; and

585 (C) A summary of the department's efforts with regard to the dry  
586 cleaning grant program, established pursuant to section 12-263m,  
587 including, but not limited to, (i) information as to the number of  
588 applications received, (ii) the number and amounts of grants made  
589 since the inception of the program, (iii) the names of the applicants,  
590 (iv) the time period between submission of application and the  
591 decision to grant or deny the loan, (v) which applications were  
592 approved and which applications were denied and the reasons for any  
593 denials, and (vi) a recommendation as to whether the surcharge and  
594 grant program established pursuant to section 12-263m should  
595 continue.

596 (9) The following information concerning enterprise zones  
597 designated under section 32-70:

598 (A) A statement of the current goals for enterprise zones;

599 (B) A statement of the current performance standards to measure  
600 the progress of municipalities that have enterprise zones in attaining  
601 the goals for such zones;

602 (C) A report from each municipality that has an enterprise zone,  
603 which evaluates the progress of the municipality in meeting the  
604 performance standards established under section 32-70a; and

605 (D) An assessment of the performance of each enterprise zone based  
606 on information collected under subparagraph (C) of this subdivision.

607 (10) With regard to the grant program designated pursuant to  
608 sections 32-324a to 32-324e, inclusive, an assessment of program  
609 performance.

610 (11) With regard to the fuel diversification program designated  
611 pursuant to section 32-324g, an assessment of program performance.

612 (12) With regard to the department's housing-development-related  
613 functions and activities:

614 (A) A brief description and assessment of the state's housing market  
615 during the preceding state fiscal year, utilizing the most recent and  
616 reasonably available data, and including, but not limited to, (i) a brief  
617 description of the significant characteristics of such market, including  
618 supply, demand and condition and cost of housing, and (ii) any other  
619 information that the commissioner deems appropriate;

620 (B) A comprehensive assessment of current and future needs for  
621 rental assistance under section 8-119kk for housing projects for the  
622 elderly and disabled, in consultation with the Connecticut Housing  
623 Finance Authority;

624 (C) An analysis of the progress of the public and private sectors  
625 toward meeting housing needs in the state, using building permit data  
626 from the United States Census Bureau and demolition data from  
627 Connecticut municipalities;

628 (D) A list of municipalities that meet the affordable housing criteria  
629 set forth in subsection (k) of section 8-30g, pursuant to regulations that  
630 the Commissioner of Economic and Community Development shall  
631 adopt pursuant to the provisions of chapter 54. For the purpose of  
632 determining the percentage required by subsection (k) of said section  
633 8-30g, the commissioner shall use as the denominator the number of  
634 dwelling units in the municipality, as reported in the most recent  
635 United States decennial census; and

636 (E) A statement of the department's housing development  
637 objectives, measures of program success and standards for granting  
638 financial and nonfinancial assistance under programs administered by  
639 said commissioner.

640 (13) A presentation of the state-funded housing development  
641 portfolio of the department, including:

642 (A) A list of the names, addresses and locations of all recipients of  
643 such assistance; and

644 (B) For each such recipient, (i) a summary of the terms and  
645 conditions for the assistance, including the type and amount of state  
646 financial assistance, (ii) the amount of investments from private and  
647 other nonstate sources that have been leveraged by the assistance, (iii)  
648 the number of new units to be created and the number of units to be  
649 preserved at the time of the application, and (iv) the number of actual  
650 new units created and number of units preserved.

651 (14) An analysis of the state-funded housing development portfolio  
652 of the department, including:

653 (A) An investment analysis, including the (i) total active portfolio

654 value, (ii) total investment made in the preceding state fiscal year, (iii)  
655 portfolio dollar per new unit created, (iv) estimated dollars per new  
656 unit created for projects receiving an assistance award in the preceding  
657 state fiscal year, (v) portfolio dollars per unit preserved, (vi) estimated  
658 dollar per unit preserved for projects receiving an assistance award in  
659 the preceding state fiscal year, (vii) portfolio leverage ratio, and (viii)  
660 leverage ratio for housing development investments made in the  
661 preceding state fiscal year; and

662 (B) A production and preservation analysis, including (i) the total  
663 number of units created, itemized by municipality, for the total  
664 portfolio and projects receiving an assistance award in the preceding  
665 state fiscal year, (ii) the total number of elderly units created for the  
666 total portfolio and for projects receiving an assistance award in the  
667 preceding state fiscal year, (iii) the total number of family units created  
668 for the total portfolio and for projects receiving an assistance award in  
669 the preceding state fiscal year, (iv) the total number of units preserved,  
670 itemized by municipality, for the total portfolio and projects receiving  
671 an assistance award in the preceding state fiscal year, (v) the total  
672 number of elderly units preserved for the total portfolio and for  
673 projects receiving an assistance award in the preceding state fiscal  
674 year, (vi) the total number of family units preserved for the total  
675 portfolio and for projects receiving an assistance award in the  
676 preceding state fiscal year, (vii) an analysis by income group of  
677 households served by the department's housing construction,  
678 substantial rehabilitation, purchase and rental assistance programs, for  
679 each housing development, if applicable, and for each program,  
680 including number of households served under each program by race  
681 and data for all households, and (viii) a summary of the department's  
682 efforts in promoting fair housing choice and racial and economic  
683 integration, including data on the racial composition of the occupants  
684 and persons on the waiting list of each housing project that is assisted  
685 under any housing program established by the general statutes or a  
686 special act or that is supervised by the department, provided no  
687 information shall be required to be disclosed by any occupant or

688 person on a waiting list for the preparation of such summary. As used  
689 in this subparagraph, "elderly units" means dwelling units for which  
690 occupancy is restricted by age, and "family units" means dwelling  
691 units for which occupancy is not restricted by age.

692 (15) An economic impact analysis of the department's housing  
693 development efforts and activities, including, but not limited to:

694 (A) The contribution of such efforts and activities to the gross state  
695 product;

696 (B) The direct and indirect employment created by the investments  
697 for the total housing development portfolio and for any investment  
698 activity for such portfolio occurring in the preceding state fiscal year;  
699 and

700 (C) Personal income in the state.

701 (16) With regard to the Housing Trust Fund and Housing Trust  
702 Fund program, as those terms are defined in section 8-336m:

703 (A) Activities for the prior fiscal year of the Housing Trust Fund and  
704 the Housing Trust Fund program; and

705 (B) The efforts of the department to obtain private support for the  
706 Housing Trust Fund and the Housing Trust Fund program.

707 (17) With regard to the department's energy conservation loan  
708 program:

709 (A) The number of loans or deferred loans made during the  
710 preceding fiscal year under each component of such program and the  
711 total amount of the loans or deferred loans made during such fiscal  
712 year under each such component;

713 (B) A description of each step of the loan or deferred loan  
714 application and review process;

715 (C) The location of each loan or deferred loan application intake site



716 for such program;

717 (D) The average time period for the processing of loan or deferred  
718 loan applications during such fiscal year; and

719 (E) The total administrative expenses of such program for such  
720 fiscal year.

721 (18) An assessment of the performance of the Connecticut qualified  
722 biodiesel producer incentive account grant program established  
723 pursuant to sections 32-324a to 32-324e, inclusive.

724 (19) An assessment of the performance of the fuel diversification  
725 grant program established pursuant to section 32-324g.

726 (20) A summary of the total social and economic impact of the  
727 department's efforts and activities in the areas of economic,  
728 community and housing development, and an assessment of the  
729 department's performance in terms of meeting its stated goals and  
730 objectives.

731 (21) With regard to the office of the permit ombudsman, established  
732 pursuant to section 3 of this act:

733 (A) The names of applicants for expedited review;

734 (B) The date of request for expedited review;

735 (C) The basis upon which the applicant claimed eligibility for  
736 expedited review;

737 (D) State agencies that participated in the permit review process;

738 (E) The dates on which the permit was granted or denied via the  
739 expedited review process or the date the applicant was determined not  
740 to be eligible for expedited review; and

741 (F) If applicable, the reason the applicant was determined not to be  
742 eligible for the expedited review process."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-6p
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2010</i>	New section
Sec. 4	<i>from passage</i>	22a-6q
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>October 1, 2010</i>	22a-430(j)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>March 1, 2011</i>	22a-426
Sec. 10	<i>October 1, 2010</i>	4-168a(b)
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>October 1, 2010</i>	32-1m(a)